

THE SOMERS MUTINY.

Naval Court of Inquiry.
Reported for The Tribune.

SIXTH DAY.—Wednesday, Jan. 4, 1845.

The Court assembled at the usual hour, and the record of the preceding day was read by the Judge Advocate.

Some sealed letters were handed into Court by Captain Gregory, found on the person of Waltham, one of the suspected persons. Waltham, it was stated, said that they were letters handed to him by persons in Liberia, addressed to their friends in this country. The Court decided that they had nothing to do with them, and they were ordered to be destroyed.

M. C. PERRY was then called, and sworn. He testified as follows:

I was on board the Somers on her late cruise, in the capacity of Acting Master. The discipline on board, after leaving Madeira, was good until reaching Porto Praya—after which time, until the execution of Midshipman Spencer, it was not so good. The elder portion of the crew were surly and morose in their manner. Orders had to be repeated several times before they were obeyed. There was a marked difference in their manner—though it is not easy to describe it. It daily grew worse until the execution. I first heard of the intended mutiny immediately after evening quarters on the 26th of November. I was told of it by Midshipman Rogers, of whom I had made inquiry.

This was on the same evening that Spencer was arrested, and while they were putting the iron upon him. The Log-Book of the vessel is under my charge. [The Log-Book was here produced.] This book contains a true and faithful account of the occurrences of that voyage, so far as I know. Nearly all the entries are in my hand-writing—all those since the 26th of November. They were entered at the end of each sea-day. The book has not been out of my possession, nor have any alterations been made in it, since that time. On the evening of the 26th, the Commander ordered me to take the wheel—which I did, and then saw all the officers coming aft except Mr. Hayes. I then saw the Commander address Mr. Spencer, though I heard nothing of what he said. Mr. Spencer said to me, "I do not remember what I told him—in fact, I cannot tell," or words to that effect—though I did not hear the question to which this was an answer. Small and Mr. Wales were brought aft and questioned by the Commander separately. When the retreat was beaten, I gave up the wheel to one of the crew, and asked Midshipman Rogers what was the matter. He told me, and I went below and conversed with Mr. Wales on the subject, and understood that the Commander did not know of the paper in Spencer's handkerchief. I went on deck and told him of it. I then relieved the officer of the deck, as my watch came on, and received a brace of pistols and a cutlass, with orders to put the prisoner to death if he made the least attempt to escape, or any one who should attempt his rescue. These orders were passed to me by the officer of the deck, Mr. Hayes or Mr. Thompson, I forget which.

At the end of my watch I was relieved and received orders to be constantly about the vessel.—The next day in the afternoon the main top gallant mast was carried away at the upper part of the sheave-hole of the top gallant yard rope. Mr. Spencer alone was then in confinement. I was in the ward-room and merely saw the mast carried away through the skylight. I went forward and let go the main weather top gallant brace. I noticed that Wilson, Cromwell and Small were aloft, and I thought then that it was very singular that Wilson should be there, as he was no sailor and was then doing nothing. I soon went below again. I do not know how the mast was carried away.—Mr. Gansevoort soon came below and gave me a pistol and ordered me on deck to take my station in the starboard gangway: and to shoot down any persons who should attempt a rescue, as he was going to confine Cromwell. I remained on deck until about 9 o'clock, and saw Cromwell and Small in confinement. After this each officer had two pistols, a cutlass and cut-throat box with orders to shoot any of the prisoners if they were seen forward of the mainmast. On the 28th Mr. Gansevoort asked me if I thought it safe to take any more prisoners, and whether, if necessary to do so, Spencer, Cromwell and Small ought first to be disposed of. I came to the conclusion that the officers could not take care of any more than the first three, and if they had to take any more prisoners the safety of the vessel required that the first three should be put to death.

On the 30th, in the forenoon, Wilson, McKinley, Greene and McKee were confined in double irons, on suspicion of being concerned in the mutiny.—The Commander soon after addressed a letter to the ward-room officers and the midshipmen, requesting their opinions as to the proper disposal of Spencer, Cromwell and Small. The officers met in the ward-room, and spent the day till dusk in examining witnesses—when the Commander sent down word that he wished the officers to be moving about the vessel. During the night I was in the Commander's watch, and had orders to shoot down any of the prisoners who should be seen forward, and to see that every body was quiet. The officers kept watch and watch through the night—the Commander having the first and the morning watches. About 9 of the 1st I took charge of the deck, and remained there till the other officers had made up their opinion, when I was relieved, went below, and coincided in their opinion, which was the same that I had expressed before. I went on deck and took charge of the fore-castle. I heard the Commander tell Cromwell that he allowed him ten minutes to live, and that he should then hang him in the main yard-arm. Cromwell said "I am innocent—Lord of the Universe look down upon me!" I went forward to my station. The whips were taken aloft and secured, two to the starboard yard-arm and one to the larboard. In about an hour I saw the prisoners brought forward to the gangway. I then saw Spencer and Small speaking to each other, but heard nothing. They were then lifted on the hammock netting and the ropes secured to their necks. The Commander then told me that Mr. Spencer would give the order to fire the gun, and directed me to have live coals at hand in case the match should not go, and also to make the crew clap on both hands to the whips. I obeyed all these orders, and told the crew not to let go, but when they got forward to stand still and hold the rope till ordered to belay. The Commander soon after called out "Stand by." I took the apron off the gun—drew a pistol and cocked it thinking that some of the crew would attempt a rescue. He then gave the order "fire." The gun was fired, the prisoners run to the yard-arm, and the ensign and pennant hoisted. All hands were called to cheer ship, and three hearty cheers were given to the American flag. They were then piped down and piped to dinner.—In about an hour the watch were called, and orders given to lay out the dead for burial. This was done, and at 6 o'clock that evening all the lanterns were lighted and distributed. I was ordered to see that the crew had their prayer books and responded. The dead were buried according to the Episcopal forms—all hands were piped down and the watch called. The same orders were passed respecting the four prisoners that were left, as had been before concerning the three. Nothing more happened till we arrived in the United States.

Previous to the arrest of Spencer, I heard Mr. Rogers report Green disobedient several times. There was a great falling off in the discipline previous to the arrest: parties of the crew mustered together in different parts of the ship. Mr. Spencer's familiarity with those suspected and his keeping aloof from his messmates were also noted. Mr. Spencer did not mess with me. I had heard him make no declaration concerning the intended mutiny. I knew of his giving Small tobacco. This familiarity was chiefly with Cromwell, Green, Warner, and Small, and others whom I do

not remember. He was continually laughing and joking with them in a manner not usual with officers. This had attracted my notice before the arrest. A short time before he was often sitting on the fore-castle having marks pricked in his arms and breast. I sometimes spoke to him about it in an indirect way, to which he only replied that he meant to have it done, though perhaps he should be sorry for it. He seemed surly towards his messmates and smiling to the men. I never heard from him, Cromwell, or Small any declarations as to their intentions. The evidence before the council, Green's familiarity with Spencer, Wilson's being so much about the mainmast, and his disposition to speak to the prisoners, led to their confinement, as did also the fact that their names were upon Spencer's paper, with those of McKinley and McKee. I had seen no acts of insubordination in McKinley and McKee.

After the prisoners were confined, I was led to believe that a rescue was intended by the facts that those whose names were upon Spencer's paper were continually about the mainmast in sight of the prisoners, and collected in knots about the vessel; that they did not obey their orders with the same alacrity as previous to the arrest of Mr. Spencer; and by the general disposition of those found upon the paper. The carrying away of the mast also added to my suspicion. When I had charge of the deck, moreover, in the first watch of the 29th, the boom tackle was carried away, and in a moment a great many persons appeared to rush aft. I immediately told the boy at the wheel to get hold of the weather-sheet. I picked out two or three of the best and most trusty seamen to stay, and ordered the rest to go forward. They did not seem disposed to go. They did not move. I repeated to order and I walked forward. The Commander coming on deck at the time, they left the quarter deck. It was then quite dark. I saw the indiscipline manner to which I have before alluded. I should think fifteen or eighteen men rushed aft, though there was no necessity for more than three or four. Of those who rushed aft some I considered trusty. The order I gave was "Some of you, come aft." When the men were collected in knots, they never permitted me to hear what they were saying, though sometimes they would speak up loudly upon some other subject. Their manner on such occasions was very unusual. Four was the largest number I ever saw together. These were the circumstances that led me to believe a rescue would be attempted.

After the arrest and before the execution, the insubordination, so far I could judge, was on the increase. It grew worse daily, and after the execution the change was very marked: the discipline was then as good as I had ever seen it. After the arrest and before the execution we met a French brig. I saw her myself; she was half a cable's length off, I should think. We boarded her; she was a merchant brig. This was on the morning of the 29th, civil time.

QUESTIONS BY COMMANDER MACKENZIE.
Q. How much tobacco, cigars and soap did Mr. Spencer draw from you during the cruise?
Ans. (On reference to his book.) From Sept. 12 to Nov. 26 he drew 725 cigars, 11 pounds of tobacco and four bars of soap. This was a very unusual quantity—much more than any other officer drew, except of soap.

Q. As Purser, do you know whether the Commander took pains to see that the provisions served to the crew were of good quality; and if so, can you remember any circumstance illustrative of the fact?
Ans. I can. While at Monrovia the supply of bread was small. I found there was some hard bread to be had there, and took a sample of it to the vessel. In the afternoon I received an order from the Commander to purchase as much as one of the cutters would carry. When it came on board it was found not to be equal to the sample and was thrown overboard.

The Court said these questions were unnecessary as it was always taken for granted that every vessel was well supplied with good rations.

Com. Mackenzie said he would be glad to show that he not only did his duty to his men, but that he also insisted that Mr. Heiskell should pay for this bad bread as it was his business to protect the Government.

Q. As a gentleman unacquainted with the naval service, and fresh from private life, did you ever see any treatment of the crew not in perfect accordance with your sense of justice, and humane and kind as the proprieties of life required?
Ans. I never did.

Q. Did you believe and do you now believe that the Somers could have been brought into port if the execution had not taken place?
Ans. I thought then and still think that there was great danger every moment that those persons were on board.

Q. Did you observe in the commander or other officers an indication of unusual fear, a despot temper, or of any qualities unbecoming an American officer?
Ans. No, sir.

After making up the record the Court adjourned.

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Notary Public, I have arranged for a course of Lectures, to be given on Thursday evening of each week, in the Chapel of the Institute.

The first Lecture by Prof. ALONZO POTTER, Subject "The Object of Education."

Jan. 5—One Lecture by Rev. S. H. COX, D. D. Subject "Selections from English Poetry, with comments and illustrations."

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Geo. W. BETTS, Chairman, Lecture Committee.

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money to get a vessel. I do not remember what led to this conversation.

Eight or nine days before the mutiny was disclosed, the Doctor, Mr. Spencer and myself were in the ward-room—the two first sitting at the table, I reclining on the berth. On the table was a chart of the West India Islands. Mr. Spencer began speaking to the Doctor about the sale of Pines, and commenced searching for it on the chart. The Doctor told him that it was a place frequented by pirates, and asked if he had any acquaintance with them. He made no reply. I once saw him in the ward-room a picture of a schooner, of which I think the mast raked very high, though I do not remember that he had a flag. I had no conversation with Spencer, Cromwell or Small before or subsequent to the arrest; nor with any other of the crew, touching the alleged mutiny.—The crew consisted of one hundred and twenty persons, of whom seven were officers in the ward-room, including Mr. Spencer, four in the ward-room, and the Commander. There were eight petty officers, and four rated as seamen, making twelve, nine ordinary seamen, six landmen, and seventy-four apprentices, rated as boys, making in all one hundred and twenty. The boys were rated in three classes, according to their capacity.

I heard no declarations of Small, Spencer, or Cromwell at the time of the execution, as I stood too far off. The evidence taken before the Council of officers induced me, with Mr. Wales's statement, to unite with the opinion they gave to the Commander. The witnesses, mingling with the crew, had every opportunity to judge of their feelings and dispositions.

Between the confinement and the execution of the prisoners, the gangway and fore-castle were very much crowded, so that I had difficulty in passing. This had not been so previous to the arrest, nor did I observe it after the execution.—There was a change. I had called the attention of the officer to the matter, and had requested him to have the passage kept clear.

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MORLEY ERNSTEN.....13 1/2

THE WHIG ALMANAC AND U. STATES REGISTER FOR 1845.....12 1/2

HECTOR O'HALLORAN and His Man.....12 1/2

OTTOLE—3 numbers now ready, each.....12 1/2

FRANKLIN RYAN, or the Indian.....12 1/2

FASHIONABLE STOCKS, SCARFS, PARASOLS & AGATE.

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